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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,867	09/22/2003	Jean-Michel Lauriol	Q77431	4318

23373 7590 07/29/2005

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EXAMINER
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DOAN, PHUOC HUU

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/664,867	<b>Applicant(s)</b> LAURIOL, JEAN-MICHEL	
	<b>Examiner</b> PHUOC H. DOAN	<b>Art Unit</b> 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1-7** are rejected under 35 U.S.C. 102(e) as being anticipated by **Gunnarsson (US Pub No: 2003/0118015)**.

**As to claim 1**, Gunnarsson discloses method for informing a person that he or she can access to a WLAN (Fig. 1, par. [0014]), said person carrying or being associated with a mobile data terminal "**Fig. 2, item 60**" and a radiotelephone terminal "**Fig. 2, item 70**", method wherein it consists in: first detecting the presence of the WLAN (col. 3, par. [0022]), by receiving identity or presence signals broadcasted by a or the radio access point of the considered WLAN (col. 2, par. [0020]), with a radio receiver associated to or integrated in said mobile data terminal and which is adapted and susceptible to receive radio signals broadcasted by a WLAN (col. 3, par. [0023]), and, then sending a signal or a message (col. 3, par. [0023]), via a short range radio transmitter (col. 3, par. [0023]), to said radiotelephone terminal equipped with an adapted receiver (col. 3, par. [0023]), in order to inform said person that he or she can access to said WLAN (col. 3, par. [0024]).

**As to claim 2**, Gunnarsson further discloses method according to claim 1, wherein it consists in putting beforehand said mobile data terminal in a mode in which it scans periodically (See abstract), preferably at (a) given frequency (ies) or within a given frequency range (col. 3, par. [0023]), for the existence of an identity or a presence signal from a WLAN for which the considered person is a potential user (col. 4, par. [0028]).

**As to claim 3**, Gunnarsson further discloses method according to claims 1, wherein the scanning for an available WLAN is based on detection of a or the network identifier broadcasted by the or a WLAN to which the concerned person has subscribed (col. 3, par. [0022], and [0024]).

**As to claim 4**, Gunnarsson further discloses method according to claims 1, wherein a successful detection of a WLAN to which the concerned person has subscribed is also notified directly by the mobile data terminal (col. 4, par. [0028]), by means of an audio signal and/or a visual message displayed on its screen (col. 4, par. [0026], **to access the user's email**).

**As to claim 5**, Gunnarsson further discloses method according to claims 1, wherein the mobile data terminal and the radiotelephone terminal are equipped with wireless personal area network interfaces "**Fig. 3, items 62, 74**", such as IrDa and Bluetooth

interfaces (col. 3, par. [0023]).

**As to claim 6**, the claim specifies the portable communication system necessary to perform the method steps as specified in **claim 1** and is therefore rejected for the same reasons.

**As to claim 7**, the claim is rejected for the same reason as set forth in claim 1.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Suila (US Pub No: 2002/0194303) discloses "Portable shopping assistant".

Anttila (US Pub No: 2003/0149990) discloses "Tune alerts for remotely adjusting a tuner".

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H. DOAN whose telephone number is 571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LESTER G. KINCAID can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2687

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phuoc Doan  
07/18/05

  
7/15/05  
LESTER G. KINCAID  
SUPERVISORY PRIMARY EXAMINER